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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 Case No. 1:15-cv-06119

5 - - - - -x  
6 STEVEN E. GREER, MD,

7 Plaintiff,

8 -against-

9 DENNIS MEHIEL, ROBERT SERPICO, THE  
10 BATTERY PARK CITY AUTHORITY, HOWARD  
11 MILSTEIN, STEVEN ROSSI, JANET MARTIN,  
12 MILFORD MANAGEMENT, and MARINERS  
13 COVE SITE B ASSOCIATES,

14 Defendant.

15 - - - - -x  
16 6 East 43rd Street  
17 New York, New York

18 April 7, 2017

19 10:05 a.m.

20 DEPOSITION of HOWARD MILSTEIN, one of  
21 the Defendants in the above-entitled  
22 action, held at the above time and place,  
23 taken before Arthur Hecht, a Shorthand  
24 Reporter and Notary Public of the State of  
25 New York, pursuant to the Federal Rules of  
Civil Procedure, and stipulations between  
Counsel.

\* \* \*

A P P E A R A N C E S :

STEVEN E. GREER, MD  
Pro Se Plaintiff  
4674 Tatersall Court  
Columbus, Ohio 43230  
(via teleconference)

ROSENBERG & ESTIS, P.C.  
Attorneys for Defendants Mariners Cove  
Site B Associates, Milford Management,  
HOWARD MILSTEIN, JANET MARTIN and STEVE  
ROSSI

733 Third Avenue  
New York, New York 10017  
BY: DEBORAH RIEGEL, ESQ.

SHER TREMONTE, L.L.P.  
Attorneys for Battery Park City Authority  
and ROBERT SERPICO  
90 Broad Street  
New York, New York 10004  
BY: MICHAEL TREMONTE, ESQ.

ALSO PRESENT: ABBY GOLDENBERG, ESQ.

\* \* \*

1 Milstein

2 Q. Are you aware that I e-mailed a  
3 letter in early 2014 to all parties,  
4 including your company, to not delete any  
5 records including e-mails because  
6 litigation was pending?

7 MS. RIEGEL: Objection.

8 A. No, no, I'm not.

9 Q. Regarding my 14 years of living  
10 at 200 Rector Place, you have argued, and  
11 I say you loosely, your lawyers have  
12 argued that my lease was not renewed  
13 because of due cause, one of them is  
14 because I was essentially a troublemaker,  
15 bothering and harassing other tenants at  
16 200 Rector Place, can you cite some  
17 examples of that behavior?

18 MS. RIEGEL: Objection.

19 A. I don't -- I don't recall any  
20 specifics, no.

21 Q. Did your employees at Milford  
22 Management ever warn me in any way, put me  
23 on notice or send me any form of incident  
24 report?

25 MS. RIEGEL: Objection.

1 Milstein

2 A. I don't know.

3 Q. You don't know or they did not  
4 do it?

5 A. I don't know.

6 Q. Another reason they claim my  
7 lease was not renewed is I was late or  
8 erratic in payment of rent since  
9 approximately 2012?

10 A. Well, that's the usual reason  
11 people don't get their leases renewed.

12 Q. Okay. Why then did they renew  
13 my lease in May of 2013?

14 MS. RIEGEL: Objection.

15 A. I don't know.

16 Q. That was less than 12 months  
17 before the letter I received saying they  
18 would not renew my lease, so if I were  
19 late in payment or a troublemaker, why did  
20 they renew the lease in 2013?

21 MS. RIEGEL: Objection.

22 A. I don't know, I'm not familiar  
23 with the details.

24 Q. Are you aware of documents I've  
25 produced that are scanned images of my

1 Milstein

2 checks that I paid for rent in the year  
3 2013 and they had had the first day of the  
4 month on them?

5 MS. RIEGEL: Objection.

6 A. No, I'm not.

7 Q. Have you evicted or not renewed  
8 the lease of any other residential renter  
9 in your building in Battery Park since  
10 2013?

11 MS. RIEGEL: Objection.

12 A. I don't know.

13 Q. Do you know if anyone has ever  
14 been evicted for being late in rent since  
15 2013 in Battery Park buildings you own --

16 MS. RIEGEL: Objection.

17 Q. -- or manage?

18 A. That's correct, I don't know the  
19 status of those particular buildings.

20 Q. Okay. Are you aware of  
21 complaints by numerous people who live in  
22 your buildings in Battery Park that  
23 monthly balances issued to them by the  
24 Milford Management accounting system is  
25 often inaccurate showing erroneous

1 Milstein

2 balances?

3 MS. RIEGEL: Objection.

4 A. No, I'm not.

5 Q. Are you aware that I had been  
6 e-mailing Milford Management, Lorraine  
7 Doyle, Clive Spagnoli and others, Sharon  
8 Hill since 2009 at least hundreds of times  
9 that almost every month, my balance was  
10 wildly inaccurate?

11 MS. RIEGEL: Objection.

12 A. No, I'm not.

13 Q. Do you know what computer  
14 accounting system or what type of  
15 accounting system does Milford Management  
16 use?

17 MS. RIEGEL: Objection.

18 A. I don't know.

19 Q. Do you go to Battery Park City  
20 and visit your buildings very often?

21 MS. RIEGEL: Objection.

22 A. No, I don't.

23 Q. Do you recall the last time you  
24 stepped foot into 200 Rector Place?

25 MS. RIEGEL: Objection.

1 Milstein

2 A. No, I don't.

3 Q. Are you aware of a website, news  
4 website called batterypark.tv?

5 A. No, I've never seen any site  
6 like that.

7 Q. I used to live in apartment 35F  
8 at 200 Rector Place, is that unit still  
9 vacant?

10 MS. RIEGEL: Objection.

11 A. I don't know.

12 Q. Are approximately 430 rental  
13 units located in 377 Rector, 380 Rector  
14 and 200 Rector, those are rental units  
15 that you are not selling as condos, are  
16 those up now for sale as condominiums?

17 MS. RIEGEL: Objection.

18 A. That's a matter of dispute.

19 Q. Have any of your business  
20 partners initiated plans to sell those  
21 condominiums?

22 MS. RIEGEL: Objection, and I'm  
23 going to direct the witness not to  
24 answer, it's beyond the scope of the  
25 permissible discovery. It's intended



1 Milstein

2 A. No, I can't.

3 Q. Were you aware or even made  
4 aware of the 2014 lawsuit initiated  
5 against me by Mariners Cove Site B calling  
6 me a holdover?

7 MS. RIEGEL: Objection.

8 A. I don't recall any specific  
9 discussion.

10 Q. When a lawsuit is decided to be  
11 undertaken against a renter, who at  
12 Milford Management has the authority to  
13 authorize the expenditures of legal fees  
14 on a lawsuit?

15 MS. RIEGEL: Objection.

16 A. In general, Amy Gould is  
17 responsible for that part of our business,  
18 but individual managers may also play a  
19 role in the decisions.

20 Q. By an individual manager, would  
21 that include Steve Rossi or Lorraine  
22 Doyle?

23 A. Yes, both of them.

24 Q. When did you become aware of my  
25 Federal complaint for which you're being



1 Milstein

2 deposed right now, when did you become  
3 aware of that?

4 A. I don't recall.

5 Q. Who authorized the hiring of  
6 Rosenberg & Estis for this Federal  
7 complaint?

8 MS. RIEGEL: Objection.

9 A. I don't recall.

10 Q. Would Steve Rossi or Janet  
11 Martin have been able to authorize the  
12 defense in this lawsuit without your  
13 knowledge?

14 MS. RIEGEL: Objection. Dr.  
15 Greer, you're getting perilously close  
16 to the line, so I'm going to let him  
17 answer this question, but --

18 DR. GREER: No colloquy, Ms.  
19 Riegel, you're not allowed to have  
20 colloquy, just say objection. Do not  
21 try to chill my questioning with  
22 threats, like you're becoming  
23 perilously close, that is a threat.  
24 Do not do that.

25 Q. Mr. Milstein, would Steve Rossi

1 Milstein

2 or Janet Martin have been allowed to hire  
3 Rosenberg & Estis for this Federal lawsuit  
4 without you knowing?

5 MS. RIEGEL: Objection.

6 A. They might have.

7 Q. Did you know about it when they  
8 initiated the hiring of Rosenberg & Estis?

9 MS. RIEGEL: Objection.

10 A. I don't recall one way or the  
11 other.

12 Q. Is there any reason why you  
13 would not recall important matters, do you  
14 have any sort of medical issue to cause  
15 you to not recall?

16 MS. RIEGEL: Objection.

17 A. No, I don't have any medical  
18 condition that would cause me not to  
19 recall.

20 Q. So when a Federal lawsuit is  
21 initiated against you, you do not recall  
22 key details of it, is that correct?

23 MS. RIEGEL: Objection.

24 A. You've heard my answer -- you've  
25 heard my answer so far, I have no further

1 Milstein

2 comment to add to that.

3 Q. Who is Andrew Berkman, that's  
4 B-E-R-K-M-A-N, I think, there might be  
5 another E in there, who is Andrew  
6 Berkman?

7 A. He is our in-house general  
8 counsel in our -- in our real estate  
9 business.

10 Q. I am not clear whether he is  
11 actively representing you in this case or  
12 not, he filed a notice of appearance that  
13 has not been seen since. Is Andrew  
14 Berkman currently one of the lawyers on  
15 this complaint defending for you?

16 MS. RIEGEL: Objection.

17 A. He may well be.

18 Q. Well, that's not really an  
19 answer, is he, yes or no?

20 A. I don't know.

21 Q. He's your in-house lawyer and  
22 you do not know whether he's on this case,  
23 is that correct?

24 MS. RIEGEL: Objection.

25 A. I don't know if he's on the case

C E R T I F I C A T I O N

I, ARTHUR HECHT, a Notary Public for  
and within the State of New York, do  
hereby certify that the foregoing witness,  
HOWARD MILSTEIN, was duly sworn on the  
date indicated, and that the foregoing is  
a true and accurate transcription of my  
stenographic notes.

I further certify that I am not  
employed by nor related to any party to  
this action.



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ARTHUR HECHT